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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,165	12/17/2001	Michael Wayne Brown	AUS920010844US1	3985
43307	7590	01/03/2006	EXAMINER	
IBM CORP (AP) C/O AMY PATTILLO P. O. BOX 161327 AUSTIN, TX 78716			TIEU, BINH KIEN	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/022,165	BROWN ET AL.	
	Examiner	Art Unit	
	BINH K. TIEU	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42, 60 and 61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42, 60 and 61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/8/02, 10/12/04, 6/6/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 10-14, 16-25, 28-38, 40-42 and 60-61 are rejected under 35 U.S.C. 102(b) as being anticipated by Baulier et al. (US. Pat. #: 6,157,707).

Regarding claim 1, Baulier et al. (“Baulier”) teaches a method for predicting fraudulent identification usage, comprising:

detecting a context for a use of an identification via a communication line at a fraud protection service (i.e., detecting subscriber’s signatures of a call service request, such as a calling card service request for use of card account number, col.6, lines 24-47 and col.10, lines 1-7);

analyzing a context for a use of an identification via a communication line at a fraud protection service (i.e., fraud management system analyzing the account, col.5, lines 42-60 and col.6, lines 48-57);

specifying a level of suspicion of fraudulent use of said identification according to said analysis of said context (i.e., scoring call and subscriber’s signature, col.7, lines 9-33).

Regarding claim 2, note col.4, lines 24-37; col.6, line 59 through col.7, line 8 and col.7, lines 24-33.

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Regarding claim 3, Baulier further teaches the fraud prevention techniques in a fraud management system executed in a trusted telephone network such as networks that support on-line credit transactions, internet-based transactions, and the like (col.4, lines 5-21).

Regarding claim 4, note figure 2, col.4, lines 50-61 and col.6, lines 35-47.

Regarding claim 5, note calling card service request, etc. in col.4, lines 24-37 and col.6, line 59 through col.7, line 8.

Regarding claim 6, note geography, originating location, etc. in col.4, lines 24-37 and col.6, line 59 through col.7, line 8.

Regarding claim 7, note billing rate or method of billing, etc. in col.4, lines 24-37 and col.6, line 59 through col.7, line 8.

Regarding claim 10, note col.4, lines 24-37; col.6, line 59 through col.7, line 8 and col.7, lines 24-33.

Regarding claims 11 and 13, note col.4, lines 5-8 and col.6, line 59 through col.7, line 8.

Regarding claim 12, note col.5, lines 37-60.

Regarding claim 14, note col.7, lines 9-19.

Regarding claims 16-18, note col.7, lines 39-61.

Regarding claim 19, Baulier teaches a system for predicting fraudulent identification usage, comprising:

a fraud protection service server (i.e., fraud management platform) communicatively connected to a trusted telephone network (col.7, lines 34-47);

mean for detecting a context for a use of an identification via a communication line at a fraud protection service (i.e., detecting subscriber's signatures of a call service request, such as a

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calling card service request for use of card account number, col.6, lines 24-47 and col.10, lines 1-7);

mean for analyzing a context for a use of an identification via a communication line at a fraud protection service (i.e., fraud management system analyzing the account, col.5, lines 42-60 and col.6, lines 48-57);

mean for specifying a level of suspicion of fraudulent use of said identification according to said analysis of said context (i.e., scoring call and subscriber's signature, col.7, lines 9-33).

Regarding claim 20, note col.4, lines 24-37; col.6, line 59 through col.7, line 8 and col.7, lines 24-33.

Regarding claim 21, Baulier further teaches the fraud prevention techniques in a fraud management system executed in a trusted telephone network such as networks that support on-line credit transactions, internet-based transactions, and the like (col.4, lines 5-21).

Regarding claim 22, note figure 2, col.4, lines 50-61 and col.6, lines 35-47.

Regarding claim 23, note calling card service request, etc. in col.4, lines 24-37 and col.6, line 59 through col.7, line 8.

Regarding claim 24, note geography, originating location, etc. in col.4, lines 24-37 and col.6, line 59 through col.7, line 8.

Regarding claim 25, note billing rate or method of billing, etc. in col.4, lines 24-37 and col.6, line 59 through col.7, line 8.

Regarding claim 28, note col.4, lines 24-37; col.6, line 59 through col.7, line 8 and col.7, lines 24-33.

Regarding claims 29 and 31, note col.4, lines 5-8 and col.6, line 59 through col.7, line 8.

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Regarding claim 30, note col.5, lines 37-60.

Regarding claim 32, note col.7, lines 9-19.

Regarding claims 34-36, note col.7, lines 39-61.

Regarding claim 37, Baulier teaches a computer program product for predicting fraudulent identification usage, comprising:

a recording medium (col.10, lines 32-51);

means, recorded on said recording medium, for detecting a context for a use of an identification via a communication line at a fraud protection service (i.e., detecting subscriber's signatures of a call service request, such as a calling card service request for use of card account number, col.6, lines 24-47 and col.10, lines 1-7);

means, recorded on said recording medium, for analyzing a context for a use of an identification via a communication line at a fraud protection service (i.e., fraud management system analyzing the account, col.5, lines 42-60 and col.6, lines 48-57);

means, recorded on said recording medium, for specifying a level of suspicion of fraudulent use of said identification according to said analysis of said context (i.e., scoring call and subscriber's signature, col.7, lines 9-33).

Regarding claim 38, note col.4, lines 24-37; col.6, line 59 through col.7, line 8 and col.7, lines 24-33.

Regarding claims 40-42, note col.7, lines 39-61.

Regarding claim 60, Baulier further teaches the fraud prevention techniques in a fraud management system executed in a trusted telephone network such as networks that support on-line credit transactions, internet-based transactions, and the like (col.4, lines 5-21).

Regarding claim 61, note col.9, lines 7-22.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 8-9, 15, 26-27 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baulier et al. (US. Pat. #: 6,157,707).

Regarding claims 8-9, 15, 26-27 and 39, Baulier teaches the fraud prevention/management system with automated authentication mechanism for managing fraud in telecommunication network. Baulier further teaches the fraud prevention/management system for managing fraud in other networks such as internet-based transactions (col.4, lines 5-8). Baulier teaches the internet-based transactions, but fails to clearly teach said use of said

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identification comprising a service accessed from a service provider identified by said identification and placing an order with payment to an account provider identified by said identification; a billing plan further comprises a least one form among a service provider, an account provider and at least one shipping address, etc. drawn from the internet-based transactions. However, such is notoriously well-known in the art and the Examiner takes official notice of such. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of said use of said identification comprising a service accessed from a service provider identified by said identification and placing an order with payment to an account provider identified by said identification; a billing plan further comprises a least one form among a service provider, an account provider and at least one shipping address, etc. drawn from the internet-based transactions, into view of Baulier in order to prevent fraud losses as well as losses of revenues from service providers in the Internet network.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Baulier et al. (US Pat. #: 6,163,604) teaches similar system and fraud prevention/management system as disclosed in Baulier et al. (US Pat. #: 6,157,707).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

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A handwritten signature in black ink, appearing to read 'Binh Tieu', with a long horizontal line extending to the right.

**BINH TIEU
PRIMARY EXAMINER**

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Date: December 12, 2005